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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/051,857	01/15/2002	Salil Vjaykumar Pradhan	100110473-1	1627

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

CHOW, MING

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 12/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/051,857	PRADHAN ET AL.	
	Examiner	Art Unit	
	Ming Chow	2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 1, 8, 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term "otherwise" is not clearly defined. It is unclear the claimed "otherwise" refers to "said item of information is NOT available", or "said second wireless device NOT remains in communication with said wireless device", or both.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002

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do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-5, 7-9, 11-14, 16-17, 19-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Goldhagen et al (US: ???).

For claims 1, 3, 8, 9, 16, 17, Carr teaches on column 4 line 32, the Fig. 1 of Carr is a wireless network. Carr teaches on column 2 line 42-44, HTML page (claimed "message") includes virtual URL (claimed "address") and indicating of content (claimed "identifies said item of information").

Carr teaches on column 4 line 64 to column 6 line 4, a third party sends a request to ISP Computer System #3 (claimed "second device"), the requested item of information is received from Computer System #2 when the Computer System #2 is on-line. Otherwise, when the Computer System #2 is off-line, the request message is sent to the Computer System #4 (claimed "other wireless device") when the Computer System #4 is on-line (claimed "otherwise said message is propagated by said second wireless device to other wireless devices").

Regarding claims 2, 11, 19, the URL address is a web-based address.

Regarding claims 4, 12; 13, 20, 21 the request message sent to Computer System #4 is

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same as the message sent to Computer System #2 (reads on claimed "duplicate of said message") by Computer System #3.

Regarding claims 5, 14, 22, Carr teaches on Fig. 1 Computer System #1 (reads on claimed "sensor"; see line 22-24 page 10 of specification – sensor includes devices taking text input from a user).

Regarding claim 7, Carr teaches on column 1 line 25-26 URL identifies (reads on claimed "identifier") a web page. The claimed "message" (HTML page) must have a unique message identifier (URL).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 6, 15, 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carr as applied to claim 1 above, and in view of Malkin et al (US: 2003/0014269).

Carr failed to teach "said message comprises Extensible Markup Language (XML) code". However, Malkin et al teach on section [0038] wireless communication request is formatted in XML.

It would have been obvious to one skilled at the time the invention was made to modify Carr to have the "said message comprises Extensible Markup Language (XML) code" as taught by Malkin et al such that the modified system of Carr would be able to support the XML to the system users.

4. Claims 10, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carr as applied to claim 1 above.

Can failed to teach "said content associated with said information item comprises said information content". However, "Official Notice" is taken that the content of an information item can be either a full set of the information item or a subset of the information item. Therefore, the claimed "said content associated with said information item comprises said information content" is old and well known to one skilled in the art.

It would have been obvious to one skilled at the time the invention was made to modify Can to have the "said content associated with said information item comprises said information content" such that the modified system of Carr would be able to support the content comprises said information item to the system users.

Response to Arguments

5. Applicant's arguments filed on 9/26/05 have been fully considered but they are not persuasive.

- i) Applicant argues, on page 8, regarding the message is propagated by said second wireless device to other devices. Carr teaches on column 4 line 64 to column 6 line 4, a third party sends a request to ISP Computer System #3 (claimed "second device"), the requested item of information is received from Computer System #2 when the Computer System #2 is on-line. Otherwise, when the Computer System #2 is off-line, the request message is sent to the Computer System #4 (claimed "other wireless device") when the Computer System #4 is on-line (claimed "otherwise said message is propagated by said second wireless device to other wireless devices").
- ii) Applicant argues, on page 8, regarding in response to said message any of said other wireless devices having said item of information". Carr teaches the requested item information is received from computer system when the computer system is on-line.
- iii) Applicant argues, on page 2, relative to the new amendments. New grounds of rejections necessitated by the amendments have been stated above

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this application and office action should be directed to the examiner Ming Chow whose telephone number is (571) 272-7535. The examiner can normally be reached on Monday through Friday from 8:30 am to 5 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached on (571) 272-7547. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service whose telephone number is (571) 272-2600. Any response to this action should be mailed to:

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Commissioner of Patents and Trademarks

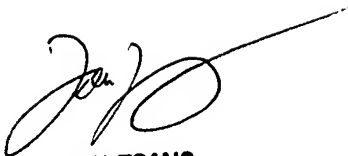
Washington, D.C. 20231

Or faxed to Central FAX Number 571-273-8300.

Patent Examiner

Art Unit 2645

Ming Chow



FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600